

Examples of Electronic Document & Data Issues

1. The **e-Access project** will make some superior court case documents available online. Should these documents be available online for an indefinite period of time or for only a specific period of time? SCR 123(g)(5) currently provides:

Removing case records from online access.

(A) Courts or clerks of court may remove case management system data and case records from online display once the applicable records retention schedule period is met.

(B) For cases scheduled to be retained more than 25 years, courts or clerks of court may remove case management system data and case records from online display after 25 years, provided the data and records are then retained through an electronically preserved method. In place of the records, the court or clerk of court shall display a notice online which directs the viewer to contact the court or clerk for access to the case record.

2. The limited jurisdiction court (LJC) records retention and disposition schedule requires civil traffic case documents to be retained for 1 year after satisfaction of sanctions. After 1 year, a court is permitted to destroy the case. However, AOC statisticians need 5 yrs. of civil traffic data – to research trends, determine and review JPC's, etc. Should the *data* be available online for 1 yr., 5 yrs., or some other number of yrs.? When should the data be removed from the supreme court's public access website?
3. Is it a violation of equal protection for one court to retain case documents longer than another court so that one court has more documentation of *priors* on a defendant than another court? Is a defendant harmed when case documents are retained longer in one court than another? The limited jurisdiction court records retention and disposition schedule incorporates statutory *look back* periods.
4. Currently, some local limited jurisdiction courts maintain their own CMS and delete data and case documents pursuant to the records retention and disposition schedule. However, these courts can delete data from their CMS in such a way that the data is still available to the supreme court for the public access website. The supreme court occasionally receives a complaint from a person whose data appears on the site. When this occurs, the supreme court tells the person to contact the local court (as the owner of the data); however, when

the person contacts the local court, the court tells the person that the court no longer has any record of the case and cannot help them. Who should control the data?

Note: IT Strategic Plan theme (per Stewart B.): Courts have limited, environmentally sound physical space in which to store case documents. They want digital case documents for use in their courthouse and to be made available to the public. Courts also want filers to e-file, since this process transfers some of the workload to the filers.